



UNITED STATES
DEPARTMENT OF THE INTERIOR

REVIEW OF
PLANNING CONSIDERATIONS
IN
FEDERAL COAL LEASING



WASHINGTON, D.C.

July 9, 1984

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THE SECRETARY OF THE INTERIOR
WASHINGTON

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Honorable George Bush
President of the Senate
Washington, D.C. 20510

Bureau of Land Management
Library
Bldg. 50, Denver Federal Center
Denver, CO 80225

Dear Mr. President:

The Department of the Interior submits to the Congress its comments on the Office of Technology Assessment's (OTA's) report, "Environmental Protection in the Federal Coal Leasing Program." This submission outlines the Department's proposed plans for implementing program improvements in light of OTA's suggestions. These plans were developed as a result of our independent review of Department policies and procedures and our examination of OTA's report. They supplement plans proposed in response to recommendations by the Commission on Fair Market Value Policy For Federal Coal Leasing.

The Department of the Interior, under the Mineral Leasing Act of 1920, has responsibility for leasing Federal coal lands. However, until 1960, there was little demand for Federal coal and little leasing activity. In the 1960's, leasing increased substantially. In 1971, the Department suspended coal leasing because it believed lands were being leased primarily for speculation.

The 1971 moratorium was intended originally to last only a short period of time, but it was not terminated until 1979 when the Department issued regulations implementing the Federal Coal Leasing Amendments Act of 1976. Leasing was not resumed until January 1981. Between 1981 and September 1983, 14 regional coal lease sales were held. These sales were deemed necessary to further national security by reducing energy dependence and to provide coal at competitive prices.

In response to questions raised about environmental protection provisions of the leasing program, Congress directed OTA, in the Conference Report accompanying the Interior and Related Agencies Appropriations Bill for FY 1984, to provide Congress with an assessment of the program's ability to ensure the development of coal leases in an environmentally compatible manner. This report was provided to the Congress and the Department on May 24, 1984.

Congress also established the Commission on Fair Market Value Policy to review and to recommend procedures to ensure receipt of fair market value for Federal coal leases. This Commission

submitted its report to Congress on February 17, 1984. On March 19, 1984, I transmitted to Congress my comments on that report and a proposed blueprint for the operation of a revised program.

In my transmittal letter of March 19, I concluded the Department would consider:

- (1) programmatic issues involving coal leasing procedures to determine whether coal leasing should occur, to calculate the amount of coal which should be leased, and to conduct sales; and
- (2) conduct of individual Departmental employees in specific completed leases, and the adequacy of Departmental review of their conduct.

In my judgment, each issue required a separate and independent review. The first portion of the programmatic review resulted in the report provided to you on March 19, 1984. Proposals for improved procedures made in the report are being implemented by the Department in close consultation with Congress, State governments, and other interested groups.

The enclosed report results from the second portion of the programmatic review. As with the March 19th report, this report will be released publicly; discussed extensively with Congress, State governments, and other interested groups; and implemented in close consultation with these groups.

Further, a review of the Office of the Inspector General's investigation of allegations of questionable individual conduct was submitted to the Chairman of the Senate Committee on Energy and Natural Resources and the Interior Appropriations Subcommittee, and the Chairmen of the House Committee on Interior and Insular Affairs, and the Interior Appropriations Subcommittees. A further review by the Deputy Under Secretary, under the supervision of the Under Secretary, of individual conduct is continuing. A report will be provided when that review is complete.

Our review of the Department's proposed procedures, as well as the report of the Commission and OTA, convinces me that soon we may be able to proceed with a responsible program for leasing Federal coal resources. I have directed that potential environmental consequences resulting from implementation of procedures proposed in this and our March 19th report be thoroughly studied before final decisions are made. The Department seeks only to lease those Federal coal lands which promote the national interest and reduce foreign energy dependence while conserving total

energy resources and protecting the environment to the fullest possible extent.

Proposed procedures set out in the report address 10 policy goals and options identified by OTA. These proposals will substantially improve the program by increasing information available to decisionmakers and by decentralizing the decision-making process.

The Bureau of Land Management (BLM) will develop guidelines and standards assuring the adequacy of pre-sale data and analyses, and will compile a comprehensive data base. Guidelines and standards will include the application of "screens" and will require analysis of the cumulative effects of coal leasing. Lands which have little potential for coal leasing will be dropped from consideration as early as possible in the process.

Procedures also will call for providing increased resource data during the land use planning process. To the extent possible, BLM will develop and apply threshold measures for evaluating lands to determine whether they should be considered for coal leasing. Additionally, procedures will provide that lands for which there is inadequate data will be dropped from consideration. Moreover, a better linkage will be developed between land use planning and coal activity planning.

Proposed procedures will provide for decentralized decisionmaking and increased public participation. The role of Regional Coal Teams (RCTs) will, in consultation with States, be expanded. For example, RCTs will be asked to make recommendations concerning the adequacy and analysis of data, for which they will be provided with science advisors during a test period. The use of science advisors will be evaluated and, if successful, RCTs may elect to continue them.

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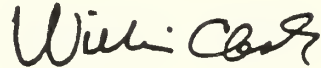
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We believe these proposed procedures, combined with those proposed in my March 19 Review of Federal Coal Leasing, will ensure an effective, predictable, and stable leasing program which will

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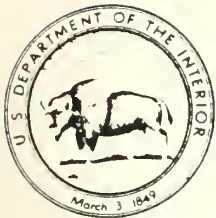
serve national interests. We hope to manage the program to reduce environmental risk, to allow industry to plan confidently, and to promote public confidence.

Sincerely,

A handwritten signature in dark ink, appearing to read "William Clark". The signature is written in a cursive, slightly stylized font.

William Clark

Enclosure



THE SECRETARY OF THE INTERIOR
WASHINGTON

Honorable Thomas P. O'Neill, Jr.
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

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Further, recommendations of RCTs will be accepted by the Department unless there is clear reason not to do so. In cases where a RCT's advice is not accepted, a written explanation of the reason for nonacceptance will be provided.

Finally, public participation, with time for review and comment, will be provided at every significant decision point in the leasing process. Additionally, to increase public participation, RCTs will be encouraged to use working groups, representative of the interests within the region, wherever appropriate.

We believe these proposed procedures, combined with those proposed in my March 19 Review of Federal Coal Leasing, will ensure an effective, predictable, and stable leasing program which will

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Sincerely,

A handwritten signature in dark ink, appearing to read "W. Clark", written in a cursive style.

William Clark

Enclosure

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UNITED STATES
DEPARTMENT OF THE INTERIOR

REVIEW OF
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FEDERAL COAL LEASING



WASHINGTON, D.C.

July 9, 1984

INTRODUCTION

This report details the Department of the Interior's plans for improving the operation of the Federal coal management program. These plans were developed as a result of Departmental review of the program and the report of the Office of Technology Assessment (OTA), "Environmental Protection in the Federal Coal Leasing Program."

The Department of the Interior, under the Mineral Leasing Act of 1920, has responsibility for leasing Federal coal lands. Until 1960, however, there was little demand for Federal coal and, thus, little leasing activity. In the 1960's leasing increased substantially. In 1971, the Department imposed a moratorium on coal leasing because it suspected lands were being leased primarily for speculation.

Originally the 1971 moratorium was intended to last a short period. However, it was not ended until 1979 when the Department issued regulations implementing the Federal Coal Leasing Amendments Act of 1976. Leasing was not resumed until January 1981. Between 1981 and September 1983, 14 regional coal lease sales were held. These sales were deemed necessary to further national security by reducing foreign oil dependence and to provide coal at competitive prices.

In response to questions raised about these sales, Congress, in the Conference Report accompanying the Interior and Related Agencies Appropriations Bill for fiscal year 1984, directed OTA to assess whether the program ensures development of coal leases in an environmentally compatible manner. OTA's report was provided to the Department on May 24, 1984. It contains options in 10 areas that OTA believes will relieve environmental concerns.

The proposed procedures set out in the Department's review address the 10 policy goals and options identified by OTA. These proposals will substantially improve the program by increasing the information available to decisionmakers and by decentralizing the decisionmaking process.

Under these procedures, tracts will not be offered for lease unless there is adequate information to assess the value of the coal resource and the potential effects of leasing on other resources. The Bureau of Land Management (BLM) will develop standards and guidelines for the adequacy of pre-sale data and analyses and will compile more comprehensive data bases. The standards and guidelines will include the application of screens and will require an analysis of the cumulative effects of coal leasing.

The procedures will call for the provision of increased data during the land use planning process. Lands that have little potential for coal leasing will be dropped from consideration early in the process. To the extent possible, BLM will develop and apply threshold measures in evaluating lands to determine whether they should receive further consideration for leasing. Lands for which there is inadequate data will be dropped. Moreover, an improved link will be developed between land use planning and coal activity planning.

The proposed procedures also will decentralize decisionmaking and increase public participation. The role of the Regional Coal Teams (RCTs) will, in consultation with the States, be expanded. RCTs will be asked to make recommendations concerning the adequacy and analysis of data. Further, on a test basis, the RCTs will be provided with science advisors to assist them in evaluating technical information. The RCTs may elect to retain the science advisors if their assistance proves beneficial. The RCTs also will be encouraged to use working groups, representative of the interests within the region, whenever appropriate.

The recommendations of the RCTs will be accepted by the Department unless there is clear reason not to do so. If the RCT's advice is not accepted, a written rationale will be provided to the RCT and to the public. Finally, public participation, with ample time for review and comment, will be provided at every significant decision point in the leasing process.

The proposed procedures, combined with those proposed in the Department's March 19, 1984 report, "Review of Federal Coal Leasing," will ensure an effective, predictable, and stable leasing program that will serve national interest. Managing the program in a way that reduces environmental risk, allows industry to plan confidently, and promotes public confidence is one of the Department's highest priorities.

Option 1: Reduce leasing rates

OTA recommended the Department establish lower, steady coal leasing rates. It believed these leasing rates will make the evaluation process more manageable, decrease the probability of leasing environmentally sensitive tracts, and improve planning. OTA also believed lower leasing rates make it easier to evaluate the coal and other resources involved and for industry and the affected communities to participate in planning.

The Department agrees with these objectives and is committed to developing coal leasing levels that will enable it to receive a fair return consistent with achievement of other public policy objectives, including promoting efficient land use and environmental planning. To reach these goals, the Department intends to restructure its coal planning process. These changes are described in Options 4, 5, and 6 of this report and in the March 19, 1984, "Review of Federal Coal Leasing."

Under these new procedures the amount of coal to be offered for lease will be based on a variety of factors. Market conditions emphasized by the Commission on Fair Market Value Policy will constitute one set of factors. Environmental concerns emphasized by OTA constitute another set. Both sets of factors will be weighed by the RCTs in making their recommendations to the Department and by the Department in making leasing level decisions.

In the lease sale decision process, environmental factors will be considered in determining how many and which tracts should be offered. As presented in more detail under Option 6, the Department will address the environmental consequences of leasing both on the specific tract and on the surrounding area. Tracts for which there is little expected interest and which have important environmental values will be eliminated as early as possible in the lease planning process.

The Department also will use smaller and more frequent sales. These sales will enable BLM to gauge the market better and to gather additional information for use in subsequent coal leasing decisions.

Finally, OTA suggested increasing the period of time and staff available to plan and support a lease sale would increase the Department's ability to protect environmentally sensitive tracts. As discussed in other section of this report, the Department will improve the quantity and quality of coal information available to it, enhance the role of RCTs, and expand the opportunity for public comment. These changes and previous changes made to the land use planning process will add approximately 6 to 10 months to the time it takes to proceed from land use planning through activity planning to leasing. The actual time for the coal leasing process will be based largely on RCT recommendations for the long-term schedule for coal leasing. In recommending schedules, the RCTs will consider the resources available and the magnitude of the data gathering and analyses necessary to resolve issues important to that round of regional coal leasing. This additional time and the improvements made in staff access to information will ensure a thorough analyses of resources affected by coal mining.

Option 2: Decentralize decisionmaking authority

OTA concluded decisionmaking authority in the coal leasing program was highly centralized. It suggested decentralizing this authority would improve the sensitivity of the program to State and local needs. Further, OTA believed the Department sometimes has failed to accept recommendations of the RCTs and this failure has undermined predictability and stability in the program. Hence, they recommended more authority be delegated to RCTs and BLM State Directors.

The Department is fully committed to enhancing the role of the RCTs and to incorporating their recommendations into the decisionmaking process. In close consultation with the States, the Department is redrafting the Federal-State Coal Advisory Board Charter to reflect changes in the RCT role. These changes are responsive to the recommendations made by OTA and the Commission on Fair Market Value Policy.

The changes, some of which were described in the Department's March 19, 1984, "Review" will enhance the RCT role in setting long-range schedules, increase the information available to the RCTs, particularly regarding coal market conditions and land use planning, improve public participation, involve State personnel in preparing material for RCT consideration, and increase the RCT's authority to include consideration of land use planning and relevant environmental concerns. Further, the draft charter will specify that the Department will accept the recommendations of the RCTs unless there is a clear reason not to do so. If a recommendation is rejected the Department will explain its reasoning in writing.

Also, to ensure more sensitivity to the concerns of the State primarily involved, the BLM State Director for that State will be named as chairman of the RCT. This change will assure the team is headed by an individual who is knowledgeable about the needs of the State most directly affected by the sale. The day-to-day activities of a State Director involve balancing conflicting multiple-use demands present in that State. Because of experience with regional resource concerns, a State Director from within the coal region will be more knowledgeable about these concerns than someone from outside the area.

The RCT's function will be expanded to include a review of the adequacy of available information and the quality of analysis. This review will be based on standards and guidelines developed by BLM. Three science advisors will be made available to the RCTs on a test basis to review the adequacy of scientific data (see Option 6).

As an alternative to increased delegation with Secretarial review, OTA explored the possibility of restructuring RCTs to give States majority representation. The Department believes this option is seriously flawed and unnecessary in light of the other changes being made. As noted by OTA, this approach would delegate important Federal management decisions concerning Federal resources to the States and would be illegal.

OTA also suggested that the Department consider expanding the voting membership of the RCTs or establishing working groups on specific disciplines to assure greater public participation. The Department strongly supports the need for RCTs to ensure a broad array of interests are represented in their deliberations. In fact, the expanded role of RCTs makes the use of such working groups even more important. The Department will encourage RCTs to use working groups, which include all segments within the community.

The Department, however, does not believe the RCTs should be expanded beyond five voting members. The increased responsibilities of the RCTs require that they not become unwieldy and that all members devote a significant amount of their time to RCT activities.

OTA also suggested that the Department reorganize the leasing regions along State lines. It believed this change would improve the perception of sensitivity to State needs. OTA maintained conflicts between States would be eliminated and BLM's coordination would be simplified. It concluded this restructuring would make BLM's management of the program easier and more predictable.

The Department does not believe this change would be productive. It ignores the nature of the resource involved and would, as noted by OTA, balkanize the program. Moreover, a State-based RCT would still need to

consider different points of view. Conflicts exist because of the nature of the issues with which the Department must grapple and not because of the forum in which they are discussed. These conflicts must be recognized and discussed openly if the public is to have confidence in the program.

Further, the existing coal regions more accurately represent the geographic areas that have similar concerns about the environmental, economic, and social effects of a particular sale. Sharing information across State lines in these regions should improve the quality of coal leasing decisions and should encourage the States to work closely on common problems related to coal leasing.

Option 3: Improve the effectiveness of public participation

OTA stressed public acceptance of the coal leasing program is contingent upon public awareness and understanding, and requires extensive public involvement in the planning and leasing processes. OTA, however, noted there is a general lack of public understanding about the program and attributed this lack to the complexity of the program. Accordingly, it recommended greater use of brochures, newsletters, and workshops and more frequent use of RCT working groups.

OTA also believed frustration and challenges to leasing decisions would be reduced, if not eliminated, by making data and analyses which form the basis of coal lease decisions more widely available. OTA recommended adequate review time be provided after information is made available and recommended public hearings and comment periods on leasing levels, community concerns, and the application of unsuitability criteria. Finally, OTA recommended BLM make better use of information provided by the public.

The Department agrees with OTA and believes public participation early in the leasing process is crucial to its acceptance. The Department has taken significant action to improve public awareness, understanding, and participation in the coal management program. Some of the more recent steps include: extensive consultation with Congress, State officials, and interested groups about the proposals set out in the March 19, 1984 "Review"; development of educational video tapes and brochures on the land use planning process for use by field offices; increased use of newsletters and other mailings informing the public about coal leasing within a region to solicit public advice about specific planning efforts.

Moreover, sections of BLM's Planning Manual have been revised based on comments from Governors and will be provided to Governors, Indian Tribes, industry, environmental groups, and other interested parties. Finally, RCTs will be instructed to use representative working groups to develop information for RCT consideration.

There are at least five formal opportunities for public comment in land use planning and an additional nine opportunities in the activity planning process (see table). At the beginning of both the land use and activity planning processes, BLM will develop and release calendars clearly identifying each point at which public participation is encouraged. Supporting information either will be included or clearly referenced in all decision documents prepared in land use planning and in the regional coal leasing process. These documents will specify the nature of the decision and the key factors leading to it. They also will contain an easily understood summary.

In the land use planning process, the public will be invited to participate at the initial step: the call for coal and other resource information related to coal. Also, under the resource management planning regulations, public comment is required on the application of unsuitability criteria during the public review of the draft resource management plan (RMP) and the associated environmental impact statement (EIS). For every plan, including coal, regulations also require a public hearing prior to approval if requested by any person having an interest that may be adversely affected by the implementation of that plan.

In addition, to ensure adequate public comment on the application of unsuitability criteria, section 3420.1 of the coal management program regulations will be amended to invite public comment prior to the application of the criteria to land use planning. A notice will announce availability of maps and other information describing the application process used.

Under the proposed coal lease activity planning process the biennial DOE production goals projections, previously used in the development of coal leasing targets, will be incorporated within regional "market analysis" forecasts generated by BLM's newly formed Office of Mineral Policy Analysis and Program Coordination (OMPAPC). Revised coal management program regulations will require activity planning begin with a call for an RCT meeting to review both the OMPAPC market analysis and a summary of previous land use planning data and decisions. The call will announce the meeting and the availability of the market analysis report and summary information at least 45 days prior to the meeting date.

The Department recognizes adequate time must be allowed for review of Departmental information and formulation of public comments on important decision documents. BLM Manuals and regulations will explicitly identify the minimum timeframes for public comments. Requests for public review of a document either in land use planning or activity planning will have a comment period of at least 30 days. For example, in land use planning 90 days are provided for review and comment on the draft RMP document and its associated EIS. In the activity planning phase, a 60-day period is provided for public review and comment on the draft EIS.

Representative Table of Timeframes and Planning Activities

Major Steps in Federal Land Use and
Coal Lease Activity Planning

Land Use Planning (RMP)¹

Elapsed Time (in months) <u>Range</u>	Significant Public <u>Participation</u> ²	<u>Activity</u>
0	*	Notice of intent published including call for coal information and other resource information related to coal.
3 -- 4	*	Identification of issues.
5 -- 7	*	Planning criteria developed.
5 -- 18		Inventory data supplemented.
8 -- 24		Analysis of management situation.
10 -- 28		Alternatives formulated and selected for detailed study.
13 -- 33		Effects of alternatives estimated.
14 -- 35		Preferred alternative selected, draft plan and draft EIS published.
17 -- 38	*	Public Review of draft plan and draft EIS (opportunity for public to comment on application of unsuitability criteria).
20 -- 43		Proposed plan and final EIS prepared for publication; Governor's review initiated.
21 -- 46	*	Proposed plan and final EIS published.
22 -- 47		Protest period and Governor's review completed.
24 -- 51 ³		Protest, if any, considered.

<u>Elapsed Time (in months) Range</u>	<u>Significant Public Participation²</u>	<u>Activity</u>
0		Plan approved by State Director (lands acceptable for further consideration for coal leasing identified -- prior public review if any significant changes resulted from Governor's review or protest).

Activity Planning⁴

<u>Approximate Elapsed Time (Months)</u>	<u>Significant Public Participation²</u>	<u>Activity</u>
0	*	Call for RCT meeting to identify data gaps and issues to be resolved, review market analysis, and determine if activity planning should be initiated; notice that market analysis is available to the public.
1-1/2	*	RCT meeting. If decision is positive: issue calls for expressions of leasing interest.
3-1/2		Complete calls for expressions of interest, begin tract delineation.
4-1/2	*	Complete initial leasing level paper; announce RCT meeting. Paper available to public through <u>Federal Register</u> notice; call for comments.
6	*	RCT meeting to review expressions of interest; public comments on initial leasing level paper; make leasing level recommendations; review tract ranking factors.
8-1/2		Establish leasing level.

<u>Approximate Elapsed Time (Months)</u>	<u>Significant Public Participation²</u>	<u>Activity</u>
10-1/2	*	Complete tract profiles; make available to public for review before RCT meeting.
12	*	RCT meeting for tract ranking, selection, EIS alternatives.
18	*	Release draft EIS. Begin 60-day public comment period.
24	*	Release final EIS. Market analysis prepared, made available. Notice of RCT meeting and call for comments on phased sales.
25-1/2	*	RCT meeting for final recommendations.
27		Secretarial consultations.
30		Complete Secretarial Issue Document, including market analysis and DOI review comments.
31		Final leasing decisions.
32		Final market analysis.
32-1/2		Decision to issue sale notice.
34		Sale (subject to Secretary's decision).

¹Schedule is for programming and budgetary purposes, time periods vary by each region especially for data collection; some activities overlap. Time periods for public comment are a minimum of 45 days.

²Public participation in either written, oral, or both forms and includes involvement by other agencies, environmental and community organizations, Indian Tribes, industry, and other interested groups.

³In land use planning, the BLM Director's target is to complete RMPs within 24-30 months.

⁴Schedule assumes no regional activity will commence before land use planning on all areas to be included is completed.

Option 4: Ensure comprehensive area planning is completed before a lease offering

, OTA recommended the Department complete all relevant resource management planning before beginning coal activity planning for a lease sale. It stated this planning is necessary to ensure land use planning adequately supports informed tract selection decisions and to incorporate preliminary cumulative impact assessments in land use planning decisions. Hence, it urged completion of comprehensive RMPs and better coordination with the Forest Service, other Federal agencies, and State and local entities with planning responsibilities.

The Department agrees comprehensive land use planning is necessary for sound activity planning. Moreover, it agrees land use planning must be coordinated, not only with other governmental bodies, but also with interested private organizations. The Department believes this objective can be reached by expeditiously completing RMPs and by initiating new coal activity planning only in areas where RMPs have been completed.

BLM started preparing land use plans in the mid-1960's. These early planning efforts gradually evolved into what became known as the "Management Framework Planning" process, and by 1970, BLM was systematically preparing comprehensive multiple-use plans for the public lands. By 1976, the year the Federal Land Policy and Management Act (FLPMA) was enacted, several hundred Management Framework Plans (MFPs) had been prepared covering approximately 70 percent of the public lands in the Lower 48 States.

In section 202 of FLPMA, Congress explicitly directed the Department to develop, maintain, and revise land use plans and prescribed basic requirements for a planning process. However, FLPMA neither established a specific date by which these plans were to be prepared nor directed

replacement of land use plans in effect on the date of enactment. Rather, legislative history indicates that BLM was to continue to use plans prepared before FLPMA.^{1/}

After FLPMA was enacted, BLM revised its land use planning procedures to reflect more explicitly FLPMA planning requirements and to comply with evolving National Environmental Policy Act guidance. This revised planning system became known as the "Resource Management Planning" process. It was formally established by regulation in 1979. These regulations permitted BLM to continue to use MFPs until superseded by RMPs if the existing plans were in compliance with the principles of multiple use and sustained yield and if they were developed with public participation. The regulations also established procedures for amending an MFP if a proposed action was determined not to be in conformance with the approved plan.

Also, in 1979, the Federal coal management program was established. The coal management regulations permitted BLM to use MFPs as the land use planning base for coal activity planning if they met specified criteria and were amended to cover the application of the unsuitability criteria and surface owner consultation.

The 1979 regulations stated that after December 31, 1984, BLM would initiate coal activity planning only in areas covered by a comprehensive land use plan or land use analysis prepared pursuant to 43 CFR Part 1600. This deadline, however, was deleted when the regulations were revised in 1982.

The Department's 1979 decision to continue to rely on existing plans, as supplemented, and the 1982 decision to delete the 1984 deadline from the regulations has been of concern to many. If, however, the Department had decided in 1979 to delay the preparation of coal activity plans until the next generation of land use plans were completed, no competitive coal sales could have been held until after 1986.

^{1/}The House Committee Report on FLPMA states: "The Committee is well acquainted with the land use planning systems of the Bureau of Land Management and the Forest Service and has found them to be consistent in general principles and practices with the objectives of [FLPMA]" H.R. Rep. No. 94-1163, 94th Cong., 2nd Sess. 5 (1976).

More importantly, there is little substantial difference between the preparation of an RMP or an amendment to an MFP which will bring it into compliance with law. The same systematic process set forth in BLM's planning regulations applies regardless of whether an RMP or a plan amendment is prepared. Both are subject to the same consultation and consistency requirements, the same public participation requirements, and the same documentation standards. For example, if coal is involved, the same four screens (including the application of the unsuitability criteria) are applied and the same and use decisions must be made.

The Department recognizes, however, there may be data inadequacies in some of its existing land use plans. BLM is preparing new comprehensive land use plans as rapidly as time and personnel permit. BLM's first RMP was completed in 1983 and 23 more are scheduled to be completed in fiscal year 1984. In total, approximately 50 RMPs are currently underway and will be completed within 2 to 3 years. However, because of the amount of work involved BLM will be able to develop and maintain a viable, comprehensive land use planning base only if it prepares both plan amendments and new plans.

Also, the MFP planning base has been criticized because it is often difficult to use. Some MFP "decisions" were not well documented and the documents that do exist are often not easily accessible to the public. Further, because many MFPs were prepared for relatively limited geographic areas, a "single" MFP amendment often involves several MFPs. Moreover, these MFPs may have been prepared by different planning teams and at different times. To make the information more accessible and useful, BLM will prepare a summary of the decisions made in each MFP which is being used as the basis for a coal leasing decision requiring public comment.

The Department also concurs with OTA's suggestion that it should take steps to improve coordination with other Federal agencies, State and local governments and private organizations. The enhancement of the role of the RCTs should improve coordination. Further, a link will be established through the RCT between the land use planning process and coal activity planning. As part of this link, the RCTs will consider coal leasing decisions in the context of information developed as part of the land use

planning process. The RCTs will use existing land use plans as a base to identify issues to be addressed and data to be gathered as part of activity planning. This link is described in more detail in response to Option 6. Additionally, the Department will instruct BLM to take the necessary steps to ensure better coordination between itself and the Forest Service in the planning process.

Option 5: Develop a means of improving the data base and access to it

OTA concluded data collected and analyzed by BLM should be improved and suggested BLM investigate the kinds of data collected by others involved in resource studies, including Federal agencies, universities, research organizations, mining companies, and local communities. It also recommended a review of the amount and type of data collected for each major step in the leasing process. This review would focus on identifying the appropriate data to be gathered and on better organizing it to contribute to effective decisionmaking. Finally, OTA concluded experienced BLM field personnel should be encouraged to contribute to the greatest extent possible.

The Department agrees with OTA's recommendations. Good data bases and proper analyses are essential to an effective coal management program. BLM has already begun work on many of the issues raised by this option and the Department will continue to support these efforts. For example, the Department has agreed that it should sponsor more coal drilling and should encourage private-sector coal drilling. This drilling will produce more timely information regarding coal quantity and quality and will enhance environmental analyses of coal leasing.

One of the most difficult steps in collecting and making data accessible for the coal leasing process is identification of the decisions that should be supported by that data and analyses. Standards and guidelines will be prepared by BLM to focus on data needed for decisions essential to effective leasing, rather than on simply gathering information.

BLM also is preparing supplemental program guidance to resource personnel in the field regarding information requirements for resource management planning decisions. Items addressed in this guidance will include identification of: 1) specific land use determinations (e.g., identify lands available for coal leasing, disposal, grazing); 2) factors considered and documented in the analysis process (e.g., application of the four screens to identify lands acceptable for further consideration for coal leasing); and 3) program-specific information requirements. This guidance will be part of the BLM Manual and is scheduled to be completed by the end of 1984.

Further, BLM will investigate other sources of data to which it may gain access. For example, BLM will explore whether to require hydrologic and soil information in return for permitting exploration drilling. This data is important to the decisions made by BLM and could be obtained from ongoing drilling operations. The expense of collecting the information would be borne by the companies that wish to lease the resource and, thus, are a prime beneficiary of the information. The Department, however, is concerned that additional requirements on exploratory drilling could impose extra expenses and could reduce the amount of exploratory drilling undertaken. Accordingly, the Department is interested in comment on the likely effect of the proposed requirement.

Other potentially valuable sources of available information include mine plan permit applications and data from operating mines. This information, however, can be difficult to retrieve. A BLM/Office of Surface Mining Reclamation and Enforcement (OSM) working group will be asked to suggest ways to search, extract, and apply mine plan data.

BLM also has a number of long-term initiatives underway to develop comprehensive, easily accessible, automated data systems. These include:

- 1) The Automated Lands and Minerals Record System (ALMRS) which will provide information referenced to geographical units on land ownership and restrictions.
- 2) Geographical Inventory Systems that will directly link resource data to maps.
- 3) An Ecological Site Inventory System that provides soils and vegetative inventories and identifies site potential based upon plant succession to a climax stage.
- 4) An Integrated Habitat Inventory and Classification System that delineates wildlife habitat areas and provides for linking by computer of storage, retrieval, and analysis of wildlife resource data.

Although progress has been made on these systems, serious issues remain to be addressed. Some of the data

systems noted above are not interactive, limiting opportunities for access and ready application to multiple use planning and related coal decisions. Major effort and investment will be required to refine and integrate these systems to increase their availability and applications. The Department agrees with the emphasis placed by OTA on digital and computerized data sets, and BLM, through Oak Ridge National Laboratory, is currently studying appropriate ways in which to automate its data.

OTA recommended, as did the Commission on Fair Market Value Policy, that BLM encourage experienced personnel to remain in the field and contribute to regional analyses. In the Department's review of the Commission's suggestions about organization and management, several proposed changes were presented, including new organizational units, position descriptions, delegations of authority, and the development of regional team office functions. The Department will continue to seek to ensure a stable, well-paid workforce that retains field personnel with extensive regional experience.

Option 6: Provide meaningful guidelines and standards for assessing the adequacy of the data base

OTA suggested the Department adopt standards and guidelines for assessing adequacy of pre-sale data and analysis. OTA believed standards and guidelines would provide better guidance to Departmental employees and would enhance the ability of the public to comment on coal leasing issues.

The Department concurs with the need for standards and guidelines for evaluating adequacy of data and for guiding analysis. Accordingly, the Department will direct BLM, in consultation with the Geological Survey, the Fish and Wildlife Service, OSM, and other appropriate agencies to develop standards for data adequacy and guidelines for application of these standards. Draft standards and guidelines will be distributed by BLM to the public for comment.

Further, the chairman of each RCT, in consultation with other members of the team, will appoint three science advisors as ex officio members of the RCT. One of the science advisors will have an expertise in renewable resources, another in non-renewable resources, and the third in reclamation and mitigation techniques. They will assist the RCT in evaluating the adequacy of the data available to it and the analysis of that data. This step will be taken on a test basis. If, after a suitable evaluation period, the RCT believes these advisors serve a useful function, the RCT can request they continue as ex officio members.

The Department also will combine the call for coal resource information, made at the beginning of the land use planning process, with a call for other resource information relevant to evaluating lands for potential coal lease offering. This information and the information in the BLM planning data bases will be used to eliminate lands that are of little interest for development or that have limited coal resources but that appear to pose a large number of resource conflicts about which there is limited data. This procedure will allow BLM to concentrate its resources on tracts with a greater likelihood of being offered for lease. Moreover, this information will be helpful in evaluating surface resources, particularly on split estate lands.

Additionally, to better integrate the land use and coal activity planning processes, BLM will provide RCTs and the public a summary of the land use data and evaluations made during land use planning. The area covered by an RMP or amended MFP is much smaller than that covered by a regional coal activity plan, and it generally takes several RMPs to cover a coal leasing region. This difference may lead to inconsistencies in the data between planning areas within a single coal region. Thus, it may complicate decisionmaking.

Use of this summary by the RCTs will integrate the two processes. Before comprehensive land use plans are used by the tract delineation teams in activity planning, they will be considered as a group by the RCT. The sole purpose of this consideration will be to identify additional data requirements and unresolved issues to be addressed as part of activity planning. Hence, the information will: (1) provide the RCTs with a context in which regional recommendations concerning coal leasing can be made; (2) help ensure consistency within the region; and, (3) assist in identifying possible cumulative effects and regional issues to be addressed in the EIS.

The Department also will weigh the adequacy of site-specific data in determining whether specific tracts should continue to be considered for leasing. BLM will expand tract profiles to include assessments of the coal and other data available on each tract and of the additional data, if any, needed for an adequate evaluation of the tract. This information will then be used, under guidelines established and published for comment by BLM, in the RCT's ranking of potential tracts for inclusion in the EIS. Therefore, tracts on which large amounts of information must be developed will be ranked as less desirable and tracts on which there is inadequate information may be dropped from consideration entirely.

When the RCTs forward final tract selection recommendations to the Department, they will separately identify any tracts that were not recommended because the information necessary for adequately assessing the tract was unavailable. In making these determinations the RCTs should consider only information that could be expected to be available prior to the lease sale. Information that could only be expected at the mine permitting stage should not be considered. RCT recommendations will be considered

regardless of the EIS alternative in which the tract(s) may have been placed and the effect of its deletion on the recommended leasing level.

Additionally, to help ensure tracts that cannot be mined in an environmentally compatible manner are not carried forward into the leasing process, OSM will assist BLM in the evaluation of data. This evaluation will assure that the area, if leased, will have a high probability of meeting the requirements of the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

These procedures will concentrate BLM resources and effort on tracts with a higher potential to be offered for lease. It also may provide industry with an incentive to contribute information to assure tracts of interest to it are not deleted.

Option 7: Incorporate cumulative impact assessments in pre-sale planning decisions

OTA supported more cumulative impact analysis of coal leasing in the early stages of land use planning. OTA believed that as the process moves closer to the leasing and permitting stages, it is progressively more oriented toward stipulations and mitigation and less toward deletion of lands. It concluded this tendency decreases the sensitivity of the process to environmental concerns because as more is known about the coal resource, the probability of development increases, and its value tends to overshadow the value of other resources.

OTA implied the perspective afforded by the land use planning process is the appropriate stage to gauge cumulative impacts. It argued an increased use of threshold analysis on coal lands would increase the quality of the plans. Therefore, it concluded threshold analysis should be reinstated in the coal leasing regulations.

The Department agrees with the desirability of conducting cumulative analysis and threshold identification. Not only is it important to analyze the environmental, socio-economic, and other effects for individual coal tracts, it also is important that the total effect of mining operations over a large area be assessed. Although the effect of an individual mining operation may not be substantial, it may have a substantial effect on the larger region when combined with other operations.

Threshold identification has two basic parts: a) identifying the threshold levels, and, b) together with cumulative analysis, assessing whether the threshold levels are likely to be exceeded.^{2/} Assessing factors

^{2/}Cumulative analysis emphasizes predicting amounts, while threshold analysis emphasizes identifying limits. Cumulative impact is the effect of the action under consideration when combined with other actions; past, present, and future. It includes the study of the situation in which individual actions are collectively significant over time. Threshold analysis identifies the points or levels at or above which cumulative effects become unacceptable.

with previously quantified thresholds is relatively straightforward. For instance, air and water quality standards set by law serve as mandatory threshold levels. Air and water models, although imprecise, can predict whether the levels are likely to be exceeded. Other factors, such as socio-economic effects and ecological considerations, which do not readily lend themselves either to quantifiable threshold levels or to predictions about whether the levels, once established, are likely to be exceeded, are extremely difficult to analyze using this approach.

Threshold identification is currently specified as a consideration in land use planning. The 1983 planning regulations retained critical threshold levels as a factor to be considered in the "analysis of management situation", a part of the land use planning process. BLM Manual guidance distributed in 1984 defines "threshold analysis" and "threshold level" and explains how to include the concept in the land use planning process.

From 1979 to 1982 the threshold concept also was included in the coal regulations. It was removed from the regulations in 1982 because it was difficult to apply and because it was a consideration in the land use planning process.

This deletion apparently has caused considerable confusion about the use of this analysis in land use planning and coal activity planning, and about the relationship between the analyses at these two steps. Therefore, the Department will reinstate this consideration in its coal leasing regulations.

RCTs will consider any threshold analysis performed during land use planning in its review of the cumulative effect of coal leasing on the region and will expand this analysis, where appropriate, to the broader area. BLM will work with other organizations to refine this concept and will make any new policies available to the public for comment.

This analysis will complement the existing requirements for consideration of cumulative effects and threshold identification. For example, the National Environmental Policy Act of 1969 (NEPA) regulations include a definition of cumulative impact and require all

EIS's to include an analysis of cumulative actions and cumulatively significant effects. Accordingly, EISs prepared during the activity planning stage (the "regional coal EIS") contain an analysis of the cumulative impacts of the coal leasing alternatives.

Further, informal threshold determinations have been made by BLM in several completed regional analyses. For example, analysis of the Fort Union region predicted that projected facilities associated with six tracts under consideration would exceed North Dakota air quality standards. North Dakota indicated it would resolve this problem through the air quality permitting process.

A similar concern was expressed by OTA about the application of "screens." The coal regulations, describing general requirements for land use planning, provide a screening procedure to identify areas acceptable for further consideration for leasing. These screens are for identifying: (1) coal lands without development potential; (2) lands unsuitable for all or certain stipulated methods of mining; (3) lands with resource values of a locally important or unique nature not included in the unsuitability criteria ("multiple land use"); and (4) areas where a significant number of surface owners have expressed a preference against mining.

OTA raised issues involving two of these screens and their application. It reported the coal screen has been criticized because it allows lands with a low development potential to be carried forward. In response to Option 6, the Department has decided to eliminate low- and medium-development potential lands under certain circumstances.

OTA also noted concern regarding changes in the details of the application of the unsuitability screen. BLM will evaluate its experience with these changes and report on the need for revisions. The evaluation will include an opportunity for interested parties to express their concerns with changes in the unsuitability criteria and to submit information on the effects of those changes.

OTA suggested that, generally, but not always, the four screens should be applied sequentially from the top down. The Department agrees except in cases where there are indications that the application of later screens earlier in the process would prove more efficient because lands would be deleted from further consideration without expending added resources.

Option 8: Establish policies and procedures for
environmental lease exchanges

OTA encouraged the Department to establish policies and procedures for using lease exchanges to protect environmentally sensitive tracts including those found to be unminable after the lease has been granted. However, OTA noted lease exchanges involve a relatively new approach to coal resource management and require statutory change if they are to be used widely.

OTA recommended the Department adopt more detailed guidelines and procedures for effecting exchanges, including environmental analyses, the use of bidding rights in an exchange, the entities eligible to participate in exchanges, and valuation procedures. OTA believed that by providing improved guidelines, exchanges could be accomplished more effectively during the land use planning process thereby avoiding the need to amend these plans.

Exchanges have been viewed more favorably in the last 5 years as a way to resolve environmental conflicts. As the Department has gained experience with exchanges, it has made some progress in handling the mechanics involved. Nevertheless, exchanges are invariably complicated by the fact that each exchange is unique. Each involves different resource values, environmental concerns, and socio-economic effects.

In its March 19, 1984, "Review of Federal Coal Leasing," the Department committed to pursue the exchange of Federal and non-Federal coal tracts in a vigorous, but prudent manner. BLM was directed to continue to pursue and evaluate potential fee exchanges under section 206 of FLPMA. In addition, BLM was directed to amend its existing fee exchange policy for leasable and saleable minerals specifically to add environmental conditions to its list of factors to be considered in fee exchanges.

The Department, however, has developed only a general framework within which to consider specific exchanges because of the need to retain the flexibility to be responsive to the differences in each exchange. It recognizes there may be a need for more specific guidance to assist its field personnel in making decisions and to

encourage informed public discussion. Thus, the Department will direct a thorough review of the Land Exchange Manual and, if necessary, provide more detailed guidelines on the process of land and lease exchanges.

The Department also will explore, with Congress, the possibility of providing the Secretary with general lease exchange authority. An expansion of the Department's authority to issue Federal coal leases in exchange for other rights, accompanied by a programmatic evaluation of exchanges, would help ensure these exchanges are done equitably and in a way that promotes sound land management.³

³The Department, however, remains strongly opposed to the use of "monetary credits" including "bidding rights" to facilitate exchanges. These ill defined credits obscure the budget implications of exchanges, create confusion, and pose administrative difficulties.

Option 9: Evaluate policies and procedures for leasing on split estate and checkerboard lands

OTA recognized split estate lands and checkerboard tracts are difficult to manage. It argued private ownership of the surface complicates planning and can limit access to land for study purposes. Thus, it recommended a thorough reexamination of the coal leasing process on split estate and checkerboard lands and advocated this review be carried out through an RCT working group.

A similar conclusion was reached by the Commission on Fair Market Value Policy. The Commission concluded surface owner consent requirements should be studied and that section 2c of the Mineral Leasing Act of 1920 should be amended to allow a railroad or an affiliate to bid for Federal coal under certain conditions.

The Department agrees these ownership patterns cause land management problems. These patterns, however, are primarily the result of existing legal relationships and are difficult for the Department to address without guidance from Congress.

The Department does not believe that a study of the leasing process on checkerboard lands is needed at this time. Rather, in accordance with the judgment made by the Commission on Fair Market Value Policy, the Department believes that section 2c of the Mineral Leasing Act of 1920 should be amended. This amendment would "unlock" these lands and allow them to be combined into logical mining units, especially through cooperative leasing.

The Department also agrees with OTA and the Commission on Fair Market Value Policy that a comprehensive examination of surface owner consent issues is worthwhile. These issues affect both the revenue received by the Federal Government for its resources and the ability of the Federal Government to plan for the best use of public land. Surface owner consent issues, however, result from existing law. Because of the close relationship between the issues identified for study and the legal requirements within which the program must operate, the Department believes an RCT-sponsored study would be of limited value. Rather, any further review of these issues should be sponsored by Congress.

Option 10: Establish uniform procedures for environmental evaluation of PRLAs

Both the Commission on Fair Market Value Policy and OTA expressed concern regarding the processing of Preference Right Lease Applications (PRLAs). OTA noted the PRLA program does not require application of all screens required for pre-lease planning and environmental protection must be achieved largely through lease stipulations and permit conditions. OTA also noted establishing uniform procedures for environmental evaluation of PRLAs would help improve the quality of the evaluations, ensure consistency among regions, and provide greater predictability.

OTA advocated an evaluation of the relationship between the number of PRLAs in a region and the need for new production tracts to meet regional leasing levels. Their report further suggested processing of PRLAs be included as an alternative to competitive leasing in regional lease sale EISs and be subject to an independent environmental assessment.

This position is consistent with the report by the Commission on Fair Market Value Policy. The Commission concluded the appraisal of the adequacy of coal leasing is dependent upon the extent to which pending PRLAs are granted. It recommended review of these applications be completed rapidly and a priority be assigned to those areas in which a lease sale is imminent.

The remaining 137 PRLAs are in many respects an anomaly in the Federal coal management program. They resulted from prospecting permits authorized under the Mineral Leasing Act of 1920. The 1976 coal amendments repealed the provision authorizing these permits subject to valid existing rights. If the applicant is able to demonstrate the tract covered by a valid PRLA application contains commercial quantities of coal, the Federal Government is legally required to issue the lease. In determining whether commercial quantities exist, one of the factors that must be taken into account is the costs of complying with existing environmental laws and regulations, and with lease stipulations.

Partly as a result of these statutory requirements and partly in an effort to process the PRLAs as expeditiously as possible, BLM generally was reviewing outstanding PRLAs independently of the activity planning process for new competitive coal lease tracts. As OTA noted, this review has been a major source of conflict. Concerns were raised in at least two related but nonetheless distinct areas: 1) the adequacy of the environmental analyses prepared by BLM in conjunction with its processing of the PRLAs; and, (2) the manner in which PRLAs have been reflected in the Department's assessments of the need for new production tracts.

The Department believes many of the NEPA-related concerns raised with respect to BLM's processing of PRLAs have been adequately addressed by BLM in its recent instructions to field offices. Current guidance requires the preparation of either a regional or site-specific EIS for all but seven pending PRLAs. (The Environmental Assessments on these PRLAs showed no EIS was necessary.) It directs that each of these EISs contain: 1) an assessment of alternative mitigation measures developed through analysis of site-specific and cumulative impacts; 2) an analysis of alternative lease terms for implementing proposed mitigation measures; and 3) an analysis of possible alternatives to lease issuance, including exchange and compensation. All PRLA draft and final EISs will be reviewed by the Washington Office to ensure consistency among regions before they are printed and filed with the Environmental Protection Agency.

BLM also will be directed to prepare monthly progress reports beginning October 15, 1984, until all PRLAs are processed. Reports will document the status of each PRLA including compliance with all regulatory and procedural requirements. In addition, for those PRLAs maturing to coal leases, these reports will indicate the effect of these new leases on the future need for competitive lease sales and the role of this information in ongoing activity planning.

These reports will be provided to the Federal-State Coal Advisory Board and each RCT for use in establishing coal leasing levels and will be made available upon request to the public and Congress. As explained in the Department's March 19, 1984, "Review," the RCTs will consider the amount of coal to be leased and mined as a result of those PRLAs which BLM expects to mature into leases or which have matured.

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